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6 November 1969

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MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Edward B. Kenney, Minority Counsel,
Senate Preparedness Subcommittee

1. In a chance meeting today, Mr. Edward Kenney queried me at some length regarding statements made by Senator Fulbright on U.S. operations in Laos following the Director's briefing of Senator Symington's Foreign Relations Subcommittee on Commitments Abroad. Kenney said Senator Thurmond (for whom he previously worked as Administrative Assistant) is quite concerned about Senator Fulbright's statements of what Thurmond considered heretofore to be confidential information. Kenney specifically raised the question as to whether the statements made by Senator Fulbright were considered by the Agency to be classified.

2. I pointed out to Mr. Kenney that I knew nothing more of Senator Fulbright's statements than what I read in the newspaper but from them I understood the Senator had been careful to say that he would not discuss Mr. Helm's testimony. It was quite possible therefore that in his statement to the press Senator Fulbright was drawing on information which he had received from other witnesses who testified at the hearings on Laos. I went on to say that it was our understanding the testimony of the other witnesses was being reviewed and would be "sanitized" for public release. I also pointed out that the Agency's presence in Laos was becoming well known and could not really be denied. In this connection I referred to the two Kamm articles on Laos which came out during the Subcommittee's hearings.

3. Mr. Kenney pressed the point about revelations of classified information by members of Congress and asked what we would do in situations of this sort. I told him that once we disclose classified information to a member of Congress and advise him that the information is classified it is then the responsibility of the member. Our conversation then focused on the problem of disclosures of classified information generally and I pointed out the problem which is encountered when attempts are made to obtain convictions under the Espionage Act as compared to the Officials Secrets Act. Kenney became quite interested in this and I

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suggested that he look at these two statutes and at the Atomic Energy Act provisions relating to Restricted Data disclosures. He said he would have the Library of Congress do some work on these over the holidays.

4. Mr. Kenney seemed satisfied with the answers I gave him and seemed to appreciate our position. He said he certainly would not use anything I had discussed with him with Agency attribution.



Deputy Legislative Counsel


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